

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPHERE 3D CORP.,

Plaintiff,

v.

GRYPHON DIGITAL MINING, INC.

Defendant.

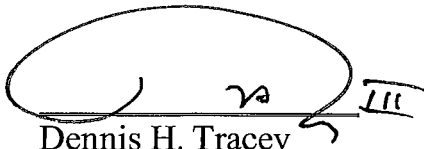
23-cv-2954 (PKC)

~~PROPOSED~~ **STIPULATION AND ORDER OF VOLUNTARY DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties, that Counterclaim-Plaintiff's Count IV (for Defamation against Counterclaim-Defendant Sphere 3D Corp. and Third-Party Defendant Patricia Trompeter), and Counterclaim-Defendant's Count IV (for violation of New York's Anti-SLAPP Statute against Counterclaim-Plaintiff), are voluntarily dismissed without prejudice.

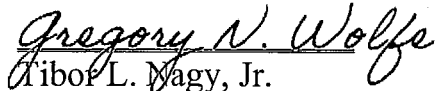
IT IS FURTHER STIPULATED AND AGREED that, as to the claims that are the subject of this stipulation, each party shall bear its own costs and fees incurred.

Dated: November 6, 2023



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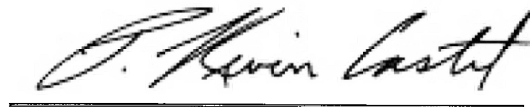
Attorneys for Gryphon Digital Mining, Inc.



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*Attorneys for Sphere 3D Corp.
and Patricia Trompeter*

Dated: November 7, 2023



Hon. P. Kevin Castel, U.S.D.J